



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

RECENT LEGAL LITERATURE

BRIEF UPON THE PLEADINGS IN CIVIL ACTIONS, at Law, in Equity, and under the New Procedure. By Austin Abbott. Second and Enlarged Edition by the Publishers' Editorial Staff. Two volumes. pp. XXXIII., XVII., 2120, Rochester, N. Y. The Lawyers' Coöperative Publishing Co. 1904.

This work is in effect a concise and well arranged cyclopedia of practical pleading. Its text is broken up into some seventeen hundred sections, classified so as to be readily accessible, each with a short and apposite heading in bold-face type, and followed by copious notes setting out, in most instances, a syllabus of each case cited. The notes are set up in single column and in somewhat smaller type than the sections of text, but they are well leaded and present an open and attractive appearance. In bulk they surpass the amount of text many times over. The index and table of contents are full and excellently arranged, and the conventional table of cases has happily been omitted, thereby freeing the work from the customary load of useless matter which so unnecessarily increases the cost and diminishes the available capacity of the modern legal text-book.

The book is a veritable mine of useful information upon the innumerable practical questions which arise at one stage or another upon the pleadings. If a pleader is in doubt how to allege a particular set of facts, he will find one or more sections of text as to how such allegations should be made, well amplified by specific illustrations respecting their form and effect as passed upon by the courts. If he is in doubt as to whether his adversary's pleading is sufficient in some particular, he will find, in its proper place, information as to whether it is correct or not, and whether, if incorrect, it is formally imperfect or substantially deficient, how and when the defect may be taken advantage of, when it is deemed waived if at all, and how far it can be aided by subsequent proceedings or remedied by amendment. More than seven hundred sections are devoted to the form of particular subjects of allegation, such as abbreviations, accord and satisfaction, account, accounting, account stated, action premature, adverse claim, adverse possession, etc., arranged in alphabetical order. The rules as to demurrers, their form, sufficiency, scope, purpose, and the practice relating thereto, are treated at considerable length, with special reference to the statutory grounds of demurrer, such as want of jurisdiction, want of capacity, misjoinder of causes, etc., provided for by the codes of procedure. Under the general head of Rules for Defining the Limits of the Issue, may be found a great quantity of material upon such subjects as, What Pleadings Constitute the Issue, What Kind of Allegations Tender an Issue, Admissions, Statutory Traverses, Admissions and the Shifting of the Burden of Proof, Inconsistency in Pleading, Aider, Departure, and Waiver. Then come chapters upon the various objections which can be urged on the trial, such as objections to the jurisdiction of the court, motions for dismissal

and for judgment on the pleadings, and motions to compel election. Variance is well presented, and the difficult subject of Amendment, which has been passed upon by appellate courts more frequently and with more apparent confusion than any other question of procedure, is treated very satisfactorily.

The book does not purport to present a connected and systematic view of pleading as a science, like the well-known texts of Stephen on the common law system, and Pomeroy on the Code. But as a handbook of pleading for practitioners and as a reference book for students, we know of no work which, within the same compass, contains such a store of useful and available information respecting the practical details of pleading, and especially is this true of pleading under the codes, although the work professes to treat with equal thoroughness the rules of pleading under the equity and common law systems.

EDSON R. SUNDERLAND

MCMASTER'S IRREGULAR AND REGULAR COMMERCIAL PAPER. A treatise on the Law of Notes, Checks and Drafts. By J. S. McMaster, Examiner New York State Bank Department. New and enlarged edition. The McMaster Company, 69 Wall St., New York City.

I have seen no work of such modest pretensions and small compass as the one mentioned in the caption which contains so much practical information on the subject of negotiable instruments. The matters treated are not only of the right sort, but they are presented in the right way. The book was written for the business man and his assistants and not primarily for the lawyer and the law student, yet it is a work which every lawyer can afford to have and no law student can afford to do without. The plan of the work and the method of treatment are unique. The beaten path of the text writer is wholly abandoned. The author picks his way through the small wilderness of regular, irregular, non-negotiable and void commercial paper, guided by the compass of experience. He is, as the caption indicates, examiner of the New York State Bank Department, and so he evidently treats of questions with which he has had actual personal contact. Every page of the book is an object lesson in the study of negotiable instruments. The book is made up of forms of commercial paper over one hundred and twenty in number, each illustrating some phase of the law of negotiable instruments. Each form makes two pages. The face and the back of each instrument are preserved. One hundred of these forms are problems in the study of the law of commercial paper, each representing an actual instrument in an actual case (and as near as can be, a facsimile of the instrument), in which some important question of law pertaining to the instrument was determined by the court. An idea of the appearance of the book can be obtained by mentally comparing it with a single form note book or check book with stubs attached, the several blanks being filled as if actually used by a hundred different business houses. Each form presents the appearance of an actual instrument. The plan of the work may be best understood from a single problem. I select No. 5 for the purpose of the illustration:—